IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Writ petition No.2769 2003

PETITIONER : Raju Babu Jaiswal S/o Sri Bhagwan Das Jaiswal, Aged about- 35 years, R/o Village-Vindamganj (Gudisamer) Tahsil-Dudhi, Distt- Sonbhadra (U.P.)

P. R. No. ..... Presented by Shri ..... Date .....

Versus

RESPONDENTS :

(1) State of C.G. Through Collector Ambikapur, Distt- Sarguja(C.G.)

(2) The Commissioner Workman Compensentation, Labour Court, Ambikapur (C.G.)

(3) Ram Briksh Mahato S/o Sri Musan Ram Aged about- 50years, R/o. Village- Premnagar, Police Staton Basantpur, Tahsil-Wadrafnagar, Distt- Sarguja (C.G.)

(4) Tahsildar(Revenue) Wadrafnagar, Ambikapur, Distt-Sarguja(C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर (48)

आदेश पत्रक

मामला क्रमांक W.P.2269/सन् 2003

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

09.09.2003

Shri Manoj Paranjpe, counsel for the petitioner.

Shri Ranbir Singh, Govt. Advocate for the State/respondents 1 & 4.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, challenging the validity and propriety of the order passed by respondent No.2 in Case No.6/2003 under Workmen Compensation Act (for short 'the Act') in the case of Raju Babu vs. Ram Briksh Mahato, whereby, the application preferred by the petitioner under Section 151 of the C.P.C. read with Rule 41 of the Act for grant of stay has been rejected.

The case of the petitioner is that respondent No.2 filed an application before the Labour Court under the Act for grant of compensation on account of the death of Ram Sewak. It was alleged that on 07.03.91, the accident took place in which the only son of respondent of No.3 was expired and it was further alleged that the accident took place due to the negligence of the petitioner and at that time deceased Ram Sewak was serving with the petitioner as a Coolie. Ram Sewak died on 07.09.91 during the course of his employment due to electric shock. It was further alleged that the petitioner is the owner of the godown where the incident was occurred and work of the construction was being done without obtaining the permission from the Electricity Department. Ultimately, the Commissioner, Workmen Compensation, Labour Court, granted the award against the petitioner to the tune of Rs.67,914/- along with 12% interest from the date of the application against which the petitioner moved an application under Order 9 Rule 19 of the C.P.C.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(50)

आदेश पत्रक

मामला क्रमांक W.P.2769/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and the application is still pending. However, the application for stay has been rejected.

Learned counsel for the petitioner submits that Rs.85,000/- has already been deposited by way of Demand Draft and the application of the petitioner under Order 9 Rule 19 is still pending and the same is not being decided. Therefore, if a direction be issued to the Commissioner, Workmen Compensation, Labour Court, to decide the application within two weeks that will be in the fitness of the things.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that the submission made by the learned counsel for the petitioner is just and proper. Since the application for stay has already been rejected, in the given circumstances, the Commissioner, Workmen Compensation, Labour Court, is directed to decide the application of the petitioner filed under Order 9 Rule 19 of the C.P.C. within a period of thirty days from today.

Accordingly, the writ petition stands disposed of.

Consequently, M.(W.)P.No.2536/2003 & I.A.No.8350/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

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12.9.03